

IN THE MATTER OF

Charles Evans, Jr

Mortician License No. M00192

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BEFORE THE MARYLAND

STATE BOARD OF

MORTICIANS AND

FUNERAL DIRECTORS

PRE-CHARGE CONSENT ORDER OF REPRIMAND AND CONDITIONS

BACKGROUND

On or about September 27, 2021, the Maryland State Board of Morticians and Funeral Directors (“the Board”) received a complaint regarding advertising of the business of Charles Evans, Jr (“the Respondent”), license number M00192, Evans Funeral Chapel and Cremation Service, for the sale of pre-need services for an establishment in White Marsh, Maryland that is neither built nor licensed. The Board requested a response to the complaint from the Respondent and offered the Respondent an opportunity to participate in a complaint resolution conference (“CRC”) with the Board in an attempt to reach a resolution of this matter prior to the issuance of formal charges. On October 25, 2021, the Board conducted a CRC with the Respondent.

The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant, the Respondent was and is licensed to practice mortuary science in the State of Maryland under license number M00192.
2. At all times relevant, the Respondent was and is the supervising mortician for:

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- a. Peaceful Alternatives Funeral and Cremation Center, Charles F. Evans, Jr P.A., establishment license number E00081;¹
- b. Charles F. Evans & Sons Inc. T/A Evans Funeral Chapel and Cremation Services, establishment license number E00082;
- c. Evans Funeral Chapel-Bel Air P.A. T/A Evans Funeral Chapel and Cremation Services, establishment license number E00320; and
- d. Evans Funeral Chapel and Cremation Services-Monkton, P.A. T/A Evans Funeral Chapel and Cremation Services, establishment license number E00458.

3. On or around April 23, 2021, a post was uploaded onto the Facebook page of Evans Funeral Chapel and Cremation Services (the “Facebook Post”). The heading of the Facebook Post stated “Evans Funeral Chapel and Cremation Services is in White Marsh, Maryland.”

4. On April 23, 2021, and continuing until the date of this Consent Order, Evans Funeral Chapel and Cremation Services has neither a completed building with an occupancy permit from Baltimore County, Maryland nor an establishment license issued by the Board for a facility in White Marsh, Maryland.

5. The Facebook Post included the following text:

EFC has some exciting news to announce!

We are opening our FOURTH location in
WHITE MARSH!

¹ Establishment license E00081 for Peaceful Alternatives Funeral and Cremation Center is restricted out of Charles F. Evans & Son Inc at 8802 Harford Road, Parkville, MD 21234, establishment license E00082. Because both of these establishment licenses are at the same location, and the Respondent is therefore the supervising mortician at no more than three separate locations, the Board finds no violation of Maryland Code Annotated, Health Occupations Article, § 7-310(e)(5)(ii)(2).

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We will bring the White Marsh community the same care and compassion your neighbors have come to expect! Opening early 2022, near [location].

Attention White Marsh area! During the construction of our new location - we are offering savings on new pre-planned funerals.

Call today to speak with one of our pre-planning specialists at [phone number].

6. The Facebook Post included a video, which contained the following words:

Pre-need Construction SAVINGS!

Sale Ends When Our Doors Open!

**Pre-Arrange NOW & SAVE
15% on Merchandise Costs**

Pre-Arrange & Save Today!

White Marsh Call [phone number]

7. The telephone number in the Facebook Post is the general number for Evans Funeral Chapel and Cremation Services and is not the telephone number for a White Marsh location.

8. The Respondent informed the Board that on April 23, 2021, and continuing until the date of this Consent Order, the discount for pre-need contracts being offered by Evans Funeral Chapel and Cremation Services was and is applicable to all existing Evans Funeral Chapel and Cremation Services locations.

9. Neither the Respondent nor any licensees employed by Evans Funeral Chapel and Cremation Services has executed any pre-need contracts for a White Marsh location.

10. As the supervising mortician for Evans Funeral Chapel and Cremation Services, the Respondent is responsible for the requirements, functions, operations, and advertising for Evans Funeral Chapel and Cremation Services, at all existing locations.

11. As the supervising mortician for Evans Funeral Chapel and Cremation Services, the Respondent is responsible for the approval of any and all discounts offered by Evans Funeral Chapel and Cremation Services.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that by including the language in the Facebook Post regarding a new location in White Marsh that was, and is not, licensed as an establishment, the Respondent advertised in a false or misleading manner in violation of Health Occ. § 7-316(a)(6), which states:

(a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:

...

(6) Advertises falsely or in a misleading manner;

...

The Board also finds that including the language in the Facebook Post regarding a new location in White Marsh that was not, and is not, licensed as an establishment, and by failing to specify that the discount for pre-need contracts being offered was and is applicable to all existing Evans Funeral Chapel and Cremation Services locations, but not to a future White Marsh location, the Respondent advertised with statements prohibited by the Board's regulations, in violation of COMAR 10.29.12.03, which states:

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- B. An advertisement may not contain statements:
- (1) Containing misrepresentation of facts;
 - (2) Likely to mislead or deceive because in context the statements make only a partial disclosure of relevant facts;
 - (3) Intended to or likely to create false or unjustified expectations of favorable results;
 - ...
 - (6) Containing representations or implications that in reasonable probability can be expected to cause an ordinarily prudent individual to misunderstand or be deceived;
 - ...

The Board finds that the violation of COMAR 10.29.12.03.B. (1) – (3) and (6) also violates the provisions of Health Occ. § 7-316(a)(24), which states:

- (a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:
- ...
- (24) Violates any rule or regulation adopted by the Board;
- ...

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice mortuary science in the State of Maryland, number M00192, is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall comply with the following conditions:

1. The Respondent shall immediately remove the Facebook Post from the Evans Funeral Chapel and Cremation Service Facebook page;

2. Within **TEN (10) WORKING DAYS** after the effective date of this Pre-Charge Consent Order of Reprimand and Conditions, the Respondent shall submit a signed and notarized affidavit to the Board:

a. affirming that the Respondent removed the Facebook Post from the Evans Funeral Chapel and Cremation Service Facebook page, and

b. including the details of the procedure, date, and time of the removal of the Facebook Post from the Evans Funeral Chapel and Cremation Service Facebook page;

3. Unless and until a White Marsh location has been issued an establishment license by the Board, the Respondent shall ensure that no pre-need contracts are executed by the Respondent or any employee of Evans Funeral Chapel and Cremation Service or any affiliated establishment for a White Marsh location; and

4. The Respondent is responsible for the cost of compliance with the terms and conditions set forth in this Pre-Charge Consent Order of Reprimand and Conditions; and it is further

ORDERED that the Respondent is responsible for any costs associated with the compliance with this Pre-Charge Consent Order of Reprimand and Conditions; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Pre-Charge Consent Order of Reprimand and Conditions, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to material fact, or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board is statutorily authorized to impose in this case under Health

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Occ. § 7-316, including a reprimand, probation, suspension, or revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Pre-Charge Consent Order of Reprimand and Conditions, the Board, in its discretion, may pursue further disciplinary action under Health Occ. § 7-316(a); and it is further

ORDERED that the Respondent shall comply with the Maryland Morticians and Funeral Directors Act, Health Occ., § 7-101 *et seq.*, and all federal and State laws and regulations governing the practice of funeral services and cremation in Maryland; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Annotated, General Provisions Article § 4-101 *et seq.*

11/22/2021

Date



Mark Bailey, Ed.D., President
Maryland State Board of Morticians and Funeral Directors


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CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order, probation, and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

Nov. 18, 2021
Date



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NOTARIZATION

STATE: Maryland

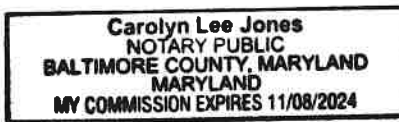
CITY/COUNTY: Baltimore

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I HEREBY CERTIFY that on this 18th day of Nov, 2021, before me,
a Notary Public of the State and City/County aforesaid, personally appeared **Charles Evans, Jr**
and made oath in due form of law that the foregoing Consent Order was the voluntary act and
deed of **Charles Evans, Jr.**

AS WITNESSETH my hand and Notarial Seal.

SEAL



Carolyn Lee Jones
Notary Public

My Commission Expires: 11/08/2024